

ASSEMBLY, No. 1639

STATE OF NEW JERSEY

220th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2022 SESSION

Sponsored by:

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SYNOPSIS

Requires electric distribution lines be located underground in areas affected by severe weather or natural disasters.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning placement of electric distribution lines and
2 supplementing Title 48 of the Revised Statutes.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. As used in this act:

8 “Board” means the New Jersey Board of Public Utilities or any
9 successor agency.

10 “Electric distribution line” means a primary electric voltage line,
11 wire, or cable including supporting structures and appurtenant
12 facilities, which delivers electricity from transformation points on
13 the transmission system to points of connection, which are not
14 considered a transmission line, at a customer's premises.

15 “Electric public utility” means a public utility, as that term is
16 defined in R.S.48:2-13, that transmits and distributes electricity to
17 end users within this State.

18 “Electric transmission line” means electrical line, wire, or cable,
19 including the supporting structures and appurtenant facilities, which
20 transmits electricity from a generating plant to electric distribution
21 lines.

22 “Interruption” means the cessation of electric, water, or gas
23 utility service to one or more customers.

24 “Major catastrophic event” means a natural occurrence arising
25 from conditions beyond the control of the electric public utility,
26 including but not limited to, a thunderstorm, tornado, hurricane,
27 flood, heat wave, snowstorm, ice storm, or an earthquake, which
28 results in: (1) a sustained interruption of utility service to at least 10
29 percent of the customers in an operating area **or** 10 percent of the
30 customers of a municipality or county located in an operating area;
31 or (2) the declaration of a state of emergency or disaster by the
32 State or by the federal government.

33 “Operating area” means a geographical subdivision of each
34 utility’s service territory.

35
36 2. The board shall initiate a proceeding and shall adopt, after
37 notice and opportunity for public comment and public hearing,
38 standards, consistent with federal law, concerning the location and
39 placement of electric distribution lines in areas affected by major
40 catastrophic events. The standards shall provide that, in operating
41 areas that have been affected by a major catastrophic event, every
42 electric distribution line of an electric public utility installed after
43 the effective date of P.L. , c. (C.) (pending before the
44 Legislature as this bill), or installed, reinstalled, or repaired in
45 response to damage resulting from a major catastrophic event, shall
46 be located underground, wherever feasible, as determined by the
47 board. In adopting the standards, and in the issuance of orders
48 pursuant to the adoption of the standards, the board shall consider

1 applicable federal regulations, industry codes, national electric
2 industry practices, sound engineering judgment, and the ability of
3 an electric public utility to obtain necessary municipal consent,
4 easements, environmental permits, and rights of way.

5
6 3. This act shall take effect on the 90th day after the date of
7 enactment.

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10 STATEMENT

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12 This bill requires the Board of Public Utilities (BPU) to adopt
13 standards providing that, in operating areas that have been affected
14 by a major catastrophic event, every electric distribution line of an
15 electric public utility installed after the effective date of the bill, or
16 installed, reinstalled, or repaired in response to damage resulting
17 from a major catastrophic event, shall be located underground,
18 wherever feasible, as determined by the BPU. In adopting the
19 standards, and in the issuance of orders pursuant to the adoption of
20 the standards, the BPU would consider applicable industry codes,
21 national electric industry practices, sound engineering judgment,
22 and the ability of an electric public utility to obtain necessary
23 municipal consent, easements, environmental permits, and rights of
24 way. A “major catastrophic event” is defined to mean a natural
25 occurrence arising from conditions beyond the control of the
26 electric public utility, including but not limited to, a thunderstorm,
27 tornado, hurricane, flood, heat wave, snowstorm, ice storm, or
28 earthquake which results in: (1) a sustained interruption of electric,
29 water, or gas utility service to at least 10 percent of the customers in
30 an operating area or 10 percent of the customers of a municipality
31 or county located in an operating area; or (2) the declaration of a
32 state of emergency or disaster by the State or by the federal
33 government.